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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

14 VICTOR P. GIOTTA and LORALEE GIOTTA,
15 on Behalf of Themselves and All Others
16 Similarly Situated,
17 Plaintiffs,
18 vs.
19 OCWEN FINANCIAL CORPORATION,
OCWEN LOAN SERVICING, LLC,
ALTISOURCE PORTFOLIO SOLUTIONS
S.A., ALTISOURCE SOLUTIONS, INC.;
WILLIAM C. ERBEY; and DOEs 1-50.
20
21
22 Defendants.)

) Case No. 5:15-cv-00620-BLF
)

) Hon. Beth L. Freeman
)

) CLASS ACTION
ORDER APPROVING
)

) **THIRD STIPULATION TO AMEND
BRIEFING SCHEDULE AS TO
MOTION TO DISMISS SECOND
AMENDED COMPLAINT (L.R. 6-
1(b), 6-2)**
)

Pursuant to Local Rules 6-1(b) and 6-2, Plaintiffs Victor P. Giotta and Loralee Giotta (“the Giottas”), Defendants Ocwen Financial Corporation (“OFC”), Ocwen Loan Servicing, LLC, (“OLS”), William C. Erbey (“Erbey”), and Altisource Solutions, Inc. (“ASI”) (collectively, the “Parties”) hereby respectfully stipulate and jointly request that the Court modify the briefing schedule as to Defendants consolidated motion to dismiss the second amended complaint.

RECITALS

1. This action was commenced on February 9, 2015. (Dkt. 1).

3 2. On June 19, 2015, the Parties filed a Stipulation to Extend Time to Respond to the
4 Amended Complaint, Modify Briefing Schedule, and for Relief from Stipulated Order Setting
5 Case Management Conference. The Court issued an order approving the stipulation and modified
6 schedule on June 22, 2015. (Dkt. 50).

7 3. On September 17, 2015, the Court heard Defendants' respective motions to dismiss
8 the Amended Complaint.

9 4. During the September 17, 2015 hearing, the Court expressed that it disfavored the
10 filing of separate motions on behalf of each named Defendant.

11 5. On December 11, 2015, this Court issued its Order 1) denying Defendant Erbey's
12 motion to dismiss for lack of personal jurisdiction, 2) granting in part and denying in part
13 Defendant Erbey's motion to dismiss for failure to state a claim, 3) granting in part and denying in
14 part Ocwen defendants' motion to dismiss for failure to state a claim, 4) granting defendant ASI's
15 motion to dismiss for failure to state a claim, and 5) granting Plaintiffs leave to file a Second
16 Amended Complaint. (Dkt. 74).

17 6. On December 29, 2015, the Parties filed a Stipulation to Extend Time to Respond
18 to Second Amended Complaint, Modify Briefing Schedule, and for Relief From Order Setting
19 Case Management Conference. The Court issued an order approving the stipulation and modified
20 schedule on December 29, 2015. (Dkt. 77).

21 7. On January 15, 2016, Plaintiffs filed the Second Amended Complaint.

22 8. On February 2, 2016, the Parties filed a Stipulation to Amend Briefing Schedule as
23 to Motion to Dismiss Second Amended Complaint.

24 9. On February 3, 2016, the Court issued an Order granting the Parties' request to file
25 consolidated briefing but denying the Parties' request to modify the briefing schedule. The Court
26 stated that the proposed briefing schedule would not give the court adequate time to read and
27 consider briefing of the length proposed.

1 10. The Court stated it “would entertain a stipulated request to continue the hearing
 2 date.”

3 11. Pursuant to the Court’s calendar and scheduling notes, counsel for Altisource
 4 confirmed with the Court’s calendar clerk that May 19, 2016, was currently available as a hearing
 5 date on the Court’s calendar. The parties thereafter stipulated to that hearing date.

6 12. On February 11, 2016, the Court requested that the parties revise the stipulated
 7 schedule to set the hearing for June 9, 2016. The parties have agreed to do so.

8 13. While Plaintiffs have been willing to try to accommodate Defendants’ request for
 9 additional time in a manner that is also acceptable to the Court, Plaintiffs are concerned that
 10 moving the hearing date much beyond June 9, 2016 would create too much of a delay. However,
 11 the Parties are mindful that the Court desires additional time to consider this briefing once
 12 submitted, and believe that the current proposed briefing and hearing schedule will not unduly
 13 delay this action. The proposed and agreed-to dates below are the product of negotiation between
 14 the Parties, and allow both additional time for the Court to review the Defendants’ planned
 15 consolidated motion, while also allowing the parties additional time to adequately address the
 16 complex issues in this case. Pursuant to the foregoing, the Parties hereby stipulate and agree to the
 17 following modification and request the Court’s approval of their stipulation to the proposed
 18 briefing schedule as follows:

Event	Previous Date	Stipulated/Requested New Date
Last day for Defendants to file a consolidated motion to dismiss the second amended complaint not to exceed 40 pages	2/12/2016	2/29/2016
Last day for the Giottas to file their opposition, not to exceed 40 pages, to Defendants’ consolidated motion to dismiss the second amended complaint	3/11/2016	4/8/2016
Last day for Defendants to file their consolidated reply, not to exceed 20 pages, in support its motion to dismiss the second amended the complaint.	4/1/2016	4/28/2016
Hearing on Defendants’ motion to dismiss the second amended complaint.	4/14/2016	6/9/2016

1 FEINSTEIN DOYLE PAYNE & KRAVEC, LLC
2 DATED: February 11, 2015

3

4 By: /s/ Joseph N. Kravec, Jr.

5 Joseph N. Kravec, Jr.
6 Attorneys for Plaintiffs
7 Victor P. Giotta and Loralee Giotta

8 DATED: February 11, 2015 DENTONS US LLP

9

10 By: /s/ Andrew S. Azarmi

11 Andrew S. Azarmi
12 Attorneys for Defendants Altisource Solutions, Inc.

13 DATED: February 11, 2015 LOCKE LORD LLP

14

15 By: /s/ James C. Magid

16 James C. Magid
17 Attorneys for Defendants Ocwen Financial
18 Corporation, Ocwen Loan Servicing LLC and
William C. Erbey

19

20 **CERTIFICATION**

21 Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained
22 concurrence regarding the filing of this document from the indicated signatories to the document.

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 Dated: February 11, 2016


25 Honorable Beth Labson Freeman
United States District Judge

26

27 USW 805400121.3